



Commonwealth  
of Massachusetts

## *OCPF Online*

*www.state.ma.us/ocpf*

*Office of Campaign and Political Finance*

*One Ashburton Place, Room 411*

*Boston, MA 02108*

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### ***Advisory Opinion***

June 6, 2000

AO-00-10

John L. McDonough, Treasurer  
Allmerica Employees PAC  
8 Sears Road  
Southboro, MA 01772

Re: Elected official serving as officer of federal PAC

Dear Mr. McDonough:

This letter is in response to your May 19, 2000 request for an advisory opinion.

#### **Facts**

You have stated that an employee of First Allmerica Financial Life Insurance Company is currently registered as a Legislative and Executive Agent on behalf of First Allmerica. The employee also serves on his own personal time as an elected member of the School Committee in the municipality in which he resides. The employee does not serve as an officer of the Allmerica Employees PAC, which is registered with this office in accordance with the Massachusetts campaign finance law.

#### **Question**

Would the employee be prohibited by M.G.L. c. 55, § 5A from serving as Chairperson of a federal political action committee?

#### **Answer**

No.

#### **Discussion**

Section 5A provides that “[n]o candidate or individual holding elective public office shall

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establish, finance, maintain, control or serve as a principal officer of a political action committee . . .”<sup>1</sup>  
By definition, however, a non-Massachusetts PAC is not a “political committee” for chapter 55 purposes since it cannot contribute to Massachusetts candidates or political committees. See IB-82-01.

In addition, applying section 5A to prohibit public employees from serving as officers of federal PACs would be subject to preemption by the Federal Election Campaign Act. See 2 USC § 453 (provisions of the Federal Election Campaign Act “supersede and preempt any provision of State law with respect to Federal office”) and 11 CFR 108.7(b) and (c).

This advisory opinion is issued solely within the context of the Massachusetts campaign finance law and is provided solely on the basis of representations in your letter and in your conversations with OCPF staff.

This office appreciates your interest in the campaign finance law. Please contact us if you have further questions.

Sincerely,

A handwritten signature in dark ink, reading "Michael J. Sullivan", followed by a vertical line.

Michael J. Sullivan  
Director

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<sup>1</sup> The statute creates an exception for a majority of the members of each political party in the House of Representatives and in the Senate, each of which can authorize one PAC controlled by a candidate or elective public office holder.